

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF GOVERNANCE SELECT COMMITTEE
HELD ON TUESDAY, 31 JANUARY 2017
IN COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.15 - 8.55 PM**

Members Present: G Chambers (Vice-Chairman), D Dorrell, L Hughes, S Jones, S Kane, H Kauffman, M McEwen, D Stallan (Vice-Chairman of the Council), H Whitbread, D Wixley, M Sartin and J Lea (Chairman of the Council)

Other members present: R Bassett, J Philip, A Mitchell, G Shiell and J H Whitehouse

Apologies for Absence: N Avey, L Mead and B Rolfe

Officers Present N Richardson (Assistant Director (Development Management)), S Hill (Assistant Director (Governance & Performance Management)), J Leither (Democratic Services Officer) and A Hendry (Senior Democratic Services Officer)

34. WEBCASTING ANNOUNCEMENT

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet and that the Council had adopted a protocol for the webcasting of its meetings.

35. APPOINTMENT OF VICE CHAIRMAN

In the absence of the Chairman who had tendered his apologies, the Vice-Chairman became the Chairman and requested nominations for the role of Vice-Chairman.

RESOLVED:

That, in the absence of a Vice-Chairman, Councillor S Kane be appointed as Vice-Chairman for the duration of the meeting.

36. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Select Committee noted that Councillors M Sartin and J Lea were substituting for Councillors N Avey and B Rolfe.

37. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the last meeting of the Governance Select Committee held on 29 November 2016 be agreed as a correct record.

38. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

39. ESSEX COUNTY COUNCIL HIGHWAYS PRESENTATION

The Committee received a presentation from Matthew Lane, Strategic Development Engineer and Matthew Bradley, Strategic Development Manager from the Transportation, Planning and Development Team at Essex County Council Highways in the role of Essex County Council as Highway Consultee. Mr Lane advised that they were invited to the Select Committee to give a brief overview of the work that they were responsible for within the County.

Strategic Development Team Arrangement

The Transportation, Planning and Development team were based in County Hall, Chelmsford and consisted of Engineers and Officers who covered twelve districts within Essex. The work they dealt with varied and could be anything from a vehicle crossover on an unclassified road to thousands of houses as part of the Local Plan strategic site allocations, the work can be very varied and on a huge scale. We are there to provide a statutory response as a consultee to all the local planning authorities within Essex. We also respond to Essex County Council Waste and Mineral planning authority which deal with quarries and schools. Essentially we are there to protect the safety and efficiency of the highways network.

The Role of the Strategic Development Team

Their role was to provide responses to planning applications as a statutory consultee to both Local Planning Authorities and Essex County Council, Waste and Mineral Planning Authority. To protect the safety and efficiency of the highway network and to promote the use of sustainable travel.

Consideration of an Application

EFDC would consult the Strategic Development Department with an application. It was then the responsibility of the team to look through the application in detail and either contact EFDC for more information or if there was sufficient information to determine the application within 21 days of receipt.

Assessing an Application

When considering an application, for the majority of proposals, a site visit would need to be arranged and to take into consideration, if the site had previously been considered and there were no changes then the decision would remain as previously determined and a site visit would not be needed.

Depending on the scale of the proposal a transport assessment would be required for 50 or more residential dwellings, to take into consideration the junction impact, site access and sustainable travel in the area. The applicant would employ transport consultants to produce a TA and they would conduct a traffic count and speed data and model the impact of the assessment. ECC would assess the modelling and check that it was done within industry standards. That could then lead on to sustainable travel considerations especially where people want to reduce their vehicle movements and there could be better bus services, good footways and cycle route connections.

We consult with a variety of other departments within the Highway Authority for example Passenger Transport and Public Rights of Way to see if traffic calming can be implicated and yellow line provision in developments. Internal roads would be

checked with the Essex Design guide making sure they are fit for purpose with appropriate turning.

We also check that new dwellings comply with the Parking Standards, unfortunately we have a different view to the districts and boroughs view regarding the Parking Standards as we have to look at it as highway safety not in the loss of parking.

Once we have investigated and completed an application we would then come to our recommendations which would consist of:

- a) From a highway and transportation perspective the Highway Authority had no comments to make on the proposal.
- b) From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:
 - Must accord with both National and Local Planning Policies; and
 - Conditions/Works to mitigate the impact of the development.
- c) From a highway and transportation perspective the impact of the proposal is not acceptable to the Highway Authority for the following reasons:
 - Contrary to both National/Local Policies;
 - Safety Issues – evidence based;
 - Unable to mitigate the impact of the development.

Frequent Highway Misconceptions

Perceived traffic impact and speed – we don't look to assess impact until there are over 50 dwellings as anything smaller would not impact on the highways. If there was a safety measure then we would look at the application.

Residential amenity – was a planning issue and the planners would take this on board.

Pre-existing safety and congestion issues – we would not be able to refuse this as it was the lawful use of that site. The same with congestion at a junction if nothing could be done to improve it then we wouldn't be able to refuse,

Personal circumstances – we cannot take personal circumstances into account.

Mitigation that cannot be justified in line with the NPPF paragraph 204 – necessary, related to and reasonable.

Additional Responsibilities

Applicants come to us for Pre-Application advice, although we cannot determine the application we do advise them on what they need to do and what we need to see as part of that application.

The meeting was then opened up to questions from Members.

Q. Regarding site visits, how many officers are in the team that cover Essex?

A. There are currently 17 officers in the team that cover Essex there was a vacancy which was expected to be filled soon and the team would be up to full strength with 18 officers. Due to some of the Engineers being engaged on the Local Plan, funding has been secured to employ 2 new temporary posts that have been created for 18 months.

Q. Mr Lane earlier you said that you covered the Epping Forest District are you responsible for any other areas?

A. Mr Lane replied that along with the Epping Forest District he also covered Harlow and Maldon.

Q. There was a perception, by the general public that you do not visit sites, therefore could you supply the EFDC officers with information in your report on the date and time that you visited the site, if not could this be arranged as it would help Members to decide on planning applications?

A. It would depend on what the proposal was for and that he would not necessarily have to visit sites on exact days and times, therefore it would not be feasible to pass on this information. The Officer advised that he attended the EFDC offices weekly and he would do the site visits either on his way to Epping or on the way back to his office. Timed visits were rare, but if it was necessary, for example a busy junction with a proposal of 1,000 new houses to be built, officers would sit out in peak times to see how junctions performed.

Q. Members weren't aware that Public Rights of Way came under your remit, would you be able to supply EFDC officers with a report if this occurred within an application?

A. Where a footpath was outside of the red line on an application we would have no comment. If the footpath went through the development and the applicant had made no provision for the footpath to be diverted then officers would act upon this and refer it to the PRow department as this would fall under their remit.

Q. Passenger transport when Members are advised that a place has suitable passenger transport it would be good to have this in your report. I accept that Loughton has an excellent passenger transport system but areas that are more rural there are limited bus services and no timetables, bus routes stop without warning and there are no tube links. It would help Members to understand what you thought was a suitable level of passenger transport in an area that we were determining an application in?

A. We would not comment on levels of service unless it was for a large development or a bus stop improvement.

Q. Unless there were more than 50 houses on a development, officers did not seem concerned about the road, the amount of traffic and the parking stress. Members expressed concern regarding the roads that were considered dangerous, where there was a history of accidents, the roads weren't wide enough for lorries to pass with deep ruts in either side of the road. Why were these overlooked and developments allowed to be built?

A. When a development of 50+ houses were proposed, we would ask for a transport assessment. A transport assessment would look at the capacity of road junctions. All of the things mentioned regarding road widths and accidents, they would automatically be looked at irrespective of the size of the development.

Q. Was the National Policy Planning Framework (NPPF) the only guide that the officers were guided by or did they use something else like a national guide for highways?

A. We would always refer to the NPPF as this was our main guide. Locally we would also use our own highways policies which defined priority 1, 2 roads and local roads around the district.

Q. In an already very heavily congested area in our district a retail park was being built, when would you do a traffic assessment for this kind of development as in

the past traffic assessments have been know to be conducted in school holiday periods?

A. We wouldn't carry out a transport assessment for a large scale development in the school holidays or during the night.

Not many large scale applications are applied for in this district as we are mainly a green belt authority. Highway improvements in connection with the Epping Forest Retail Park along Chigwell Lane/Rectory Lane are necessary otherwise that development would not have been able to go ahead. The Retail Park would attract more traffic but the highway improvements would solve this.

Q. We are somewhat in disbelief when, we as local Members, refuse a planning application knowing that the area is very congested and the chaos it would cause to our local roads. The application went to appeal and because we did not get any back-up from you the appeal was granted in favour of the applicant. This happened in an area in Loughton, Church Hill where an application for a supermarket was granted, on a busy through road, next to a public house and a petrol station. The lorries turn up to make deliveries and cause road blocks and congestion as there was insufficient room to park, they have to reverse into the petrol station to unload the goods for the store, therefore making it difficult for cars to get in and out of the store or petrol station.

A. Mr Lane advised that he was involved with this proposal for approximately 2 years before an application was submitted. During this time the site had numerous road safety assessments done on it and we felt it was thoroughly assessed. We could not support the appeal because we did not have a technical reason for refusal.

Q. With regard to site lines, what do you require on a less than 50 scheme development as a safe site line on a road?

A. There was a standard based on speed limit and that was one of the key things we would look at, we work to the NPPF guidelines with regards to safety. We try to secure appropriate visibility for the speed of the road and take into account the lawful use of the site.

Q. Members were concerned that there were no resources to have more of our own independent surveys and data for applications and not have to take the applicants data as our only source and trust that the information was correct.

A. On the bigger applications we meet with the developer and agree on a scope with them. They go away and get surveys and data from consultants, we ask for the transport assessments to be supplied to us in raw data so that we are able to check that the information provided was truly representative of that application. We also then do our own checks by checking the parameters at junctions to observe the junctions and watching human interaction and don't rely totally on the traffic impact assessments from the developers.

Q. We sit with a very long Hertfordshire Border and obviously we have concerns about the Gilson development than it will have impact on the road systems both east and west of Harlow as traffic comes through to go towards other parts of the district including London. What input would you have into this, if any?

A. There was a traffic model that had been produced for Harlow and the surrounding area and we are very much poised to let the developer of the Gilson site pay for some runs of that model with his development put into the middle. The only complication of that was that we had to look at several different scenarios and junction 7a on the M11 had come out of the requirements of the Gilson site and other planned developments in the area. Developers are therefore paying the County Council to employ their own consultants are doing these model runs on behalf of the

developers. We are working closely with the officers at Hertfordshire County Council to make sure we are all in agreement with the way forward.

Q. In terms of the process of assessment when it is an industrial application is there any variation in the process?

A. No, essentially it is exactly the same.

40. KEY PERFORMANCE INDICATORS 2016/17 - QUARTER 3 PERFORMANCE

The Select Committee received a report regarding the Key Performance Indicators 2016/17 – Quarterly Performance Monitoring (Quarter 3) from the Performance Improvement Officer.

The Local Government Act 1999 required that the Council made arrangements to secure continuous improvement in the way in which its functions and services were exercised having regard to economy, efficiency and effectiveness.

As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPIs) relevant to the Council's services and key objectives were adopted each year by the Finance and Performance Management Cabinet Committee.

A range of 37 Key Performance Indicators (KPIs) for 2016/17 were adopted by the Finance and Performance Management Cabinet Committee in March 2016. The overall position with regard to the achievement of target performance for all of the KPIs at the end of Quarter 3 was as follows:

- (a) 26 (70%) indicators achieved third quarter target;
- (b) 11 (30%) indicators did not achieve third quarter target, although 4 (11%) of KPIs performed within the agreed tolerance for the indicator; and
- (c) 31 (84%) indicators are currently anticipated to achieve the cumulative year-end target, and a further 3 (8%) are uncertain whether they will achieve the cumulative year-end target.

Five of the KPIs fell within the Governance Select Committee's area of responsibility. The overall position with regard to the achievement of target performance at the end of Q2 for these 5 indicators were as follows:

- (a) 3 (60%) indicators achieved target;
- (b) 2 (40%) indicators did not achieve target; however
- (c) 0 (0%) of these KPIs performed within the agreed tolerance for the indicator; and
- (d) 3 (60%) of indicators were currently anticipated to achieve year-end target and a further 1 (20%) indicator is uncertain whether it will achieve year-end target.

RESOLVED:

That the progress made on the Key Performance Indicators 2016/17 – Quarterly Performance Monitoring (Quarter 3) be noted.

41. CORPORATE PLAN KEY ACTION PLAN 2016/17 - QUARTER 3 PROGRESS

The Select Committee received a report regarding the Corporate Plan Key Action Plan 2016/17 – Quarter 3 from the Performance Improvement Officer.

The Corporate Plan was the Council's key strategic planning document, setting out its priorities over the five year period from 2015/16 to 2019/20. The priorities or Corporate Aims were supported by Key Objectives which provided a clear statement of the Council's overall intentions for these five years.

The Key Objectives were delivered by an annual action plan, with each year building upon the progress against the achievement of the Key Objectives for previous years. The annual action plans contained a range of actions designed to achieve specific outcomes and were working documents and subject to change.

The Corporate Plan Key Action Plan for 2016/17 was agreed in March 2016, progress in relation to all actions and deliverables was reviewed by the Cabinet, the Overview and Scrutiny Committee and the appropriate Select Committee on a quarterly basis.

There were 49 actions in total for which progress updates for Quarter 3 were as follows:

- (a) 26 (53%) of these actions had been Achieved or were On Target;
- (b) 13 (27%) of these actions were Under Control;
- (c) 4 (8%) were Behind Schedule; and
- (d) 6 (12%) were Pending.

There were 8 actions that fell within the areas of responsibility of the Governance Select Committee at the end of Quarter 3 and these were:

- (a) 6 (75%) of these actions had been Achieved or were On Target;
- (b) 2 (25%) of these actions were Under Control;
- (c) 0 (0%) of these actions were Behind Schedule; and
- (d) 0 (0%) of these actions were Pending.

RESOLVED:

That the Corporate Plan Key Action Plan 2016/17 Quarter 3 Progress Report be noted.

42. TERMS OF REFERENCE AND WORK PROGRAMME**RESOLVED:**

- (1) That the Terms of Reference and the Work Programme be noted.

43. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Director of Governance advised members that the select committee would be requiring new items for next year's work programme. The following were suggested:

- (a) Work in relation to complaints to the end of year;
- (b) Development Management Chair and Vice-Chair's Meeting;
- (c) Review of the Operation of the Council's Petitions Scheme;
- (d) Analysis of Compliments and Complaints – data identifying trends;
- (e) Review of enforcement across the services of the Governance Directorate; and
- (c) Building Control report for April 2017.

44. DATE OF NEXT MEETING

The next meeting of the Governance Select Committee would be held on Thursday 4 April 2017 at 7.15pm in Committee Room 1.

The Role of Essex County Council as Highway Consultee

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Matthew Lane/Matthew Bradley

Jan 2017



Minute Item 39

Strategic Development Team Arrangement

- A team of Engineers and Officers
- Covering 12 districts within Essex
- Based in County Hall
- Form part of the Transportation, Planning and Development team - managed by Sean Perry
- Vehicular crossings to large strategic allocations

The Role of the Strategic Development Team

- To provide responses to planning applications as a statutory consultee to both Local Planning Authorities and Essex County Council as Waste & Mineral Planning Authority
- To protect the safety and efficiency of the highway network
- To secure appropriate mitigation to the highway network
- To promote the use of sustainable travel

Considering an Application

- Timescale – 21 days from receipt of consultation
- Consider:
 - Does the application contain sufficient information?*
 - No** Contact Planning Officer and discuss options
 - Yes** The application is the subject of a detailed review by the relevant officer

Assessing an Application – 1

- Site visit for the majority of proposals
- Consider:
 - Site history
 - Local Plan/NPPF
 - Highway Authority's DM Policies
 - Accident history
- Transport Assessment/Statement as necessary
- Sustainable Travel Considerations
- If necessary, consultation with other departments within the Highway Authority e.g. Public Rights of Way, Passenger Transport etc.

Assessing an Application – 2

- Site access (visibility and geometry):
 - DMRB or MfS & MfS2
- Full and/or reserved matters applications:
 - Internal layout
 - Essex Design Guide
 - MfS & MfS2
 - Parking Standards

Assessing an Application – 3

- Recommendation:

- From a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

OR

- From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

- Requirements:

- Must accord with both National and Local Planning Policies
- Conditions/Works to mitigate the impact of the development

OR

- From a highway and transportation perspective the impact of the proposal is **NOT** acceptable to the Highway Authority for the following reasons:

- Requirements:

- Contrary to both National/Local Policies
- Safety Issues – evidence based
- Unable to mitigate the impact of the development

Frequent “Highway” Misconceptions

- Perceived traffic impact/speed
- Residential amenity
- Pre-existing safety and congestion issues
- Construction issues
- Personal circumstances
- Mitigation that cannot be justified in line with NPPF paragraph 204: necessary, related to and reasonable.

Additional Responsibilities

- Pre- Application advice
- Highway evidence for Appeals
- Highway advice for emerging Local Plans
- Legal instructions for S106 & Highway Works Agreements
- Managing implementation of Highway Works (S278) & Adoption of roads (S38) Agreements (Essex Highways)
- Monitoring S106 Agreements (Infrastructure Planning team)
- Licences/Consents for 'paraphernalia' in the highway (Essex Highways)

Thank you and any questions?

Matthew Lane

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